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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/341,832

09/15/99

BERENDS

J

48015

EXAMINER

PM82/1221

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ART UNIT

PAPER NUMBER

3652

DATE MAILED:

12/21/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/341,832

Applicant(s)

Berends et al.

Examiner

Paul Chin

Group Art Unit

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☒ Responsive to communication(s) filed on Sep 15, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-10 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-10 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Sep 15, 1999 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☒ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) _____

☒ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: Netherlands Patent [1004956]

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “*switching means*” (claim 5, line 3) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered

Specification

2. The disclosure is objected to because of the following informalities: it appears that the phrases “*as described in the preamble of claim 1*” (page 1, line 3); “*the steps characterized in claim 1*” (page 1, line 21); “*the measure of claim 3*” (page 2, line 3); “*the measure of claim 4*” (page 2, line 9); “*the measure of claim 5*” (page 2, line 15); “*the measure of claim 6*” (page 2, line 19); “*the measure of claim 7*” (page 2, line 29); “*the measure of claim 9*” (page 3, line 3); and “*the measure of claim 12*” (page 3, line 9) should rather be described briefly in words since any claim after amendment can be totally changed or canceled.

Moreover, the word “*manoevred*” should be changed to --*maneuvered*--. **It also appears that a page between page 1b and page 2 is missing. It appears that the abstract is also missing in the application.**

Appropriate correction is required.

Claim Objections

3. Claim 2 is objected to because of the following informalities: in claim 2, line 5, the word “*date*” should be changed to --*data*--. Appropriate correction is required.

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Claim Rejections - 35 USC § 112

4. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is no antecedent basis for "the lifting device" (claim 1, line 9). It is not confusing that "the lifting device" refers to the "vehicle lift" or "a lifting member." Further, the phrase "a lifting member arranged on a foot end of the carriage" (claim 1, lines 5-6) is not clearly understood.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1,2, and 4-6, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn [5,184,930] in view of the Netherlands Patent [325,811].

Kuhn [5,184,930] shows a vehicle lift comprising at least two lifting columns (Figure 6); each column (8) provided with a support foot (12); a carriage (28) guided slidable in the column; a lifting member (60); safety means (22); and drive means (6) for displacing the carriage. The vehicle lift discloses an air source and separate air lines in order to lift and lower the carriage in unison. Kuhn's vehicle lift ['930] does not show a control means for the drive means. It would have been an obvious design choice to provide a well-known control means on the Kuhn vehicle

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lift ['930] to control the drive means. Kuhn vehicle lift ['930] still does not show an operating means connected to connecting lines for the simultaneous actuation of the control means.

However, the Netherlands Patent [325,811] shows an operating means (9-12) connected to connecting lines (13) (Figures 1-4) in closed circuit for the simultaneous actuation of the control means, a closed circuit.

It would have been an obvious design choice to provide an operating means (9-12) connected to connecting lines (13) (Figures 1-4) in closed circuit and modify the existing Kuhn vehicle lift ['930] as taught by the Netherlands Patent [325,811] in order to actuate the control means simultaneously.

In regard to claim 6, it would have an obvious design choice to provide an electrical power supply and an electrical supply lines on the modified Kuhn vehicle lift ['930] in order to employ the power to lift and lower the carriages.

Allowable Subject Matter

7. Claims 3 and 7-10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul T. Chin whose telephone number is (703) 305-1524.

ptc

PTC

December 18, 2000


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